

## MALAYSIA

### a. SUMMARY OF CLAIMS

TYPE	DATE	SOURCE	LIMITS	NOTES
<b>I. TERRITORIAL SEA</b>	Oct 27	Territorial Waters Act	3nm	
	Aug 69	Ordinance No. 7	12nm	
<b>II. ARCHIPELAGIC, STRAIGHT BASELINES, &amp; HISTORIC CLAIMS</b>	Aug 69	Ordinance No. 7		Established straight baselines for purposes of boundary delimitation (equidistance) only.
<b>IV. CONTINENTAL SHELF</b>	Sep 58	Orders in Council No. 1517 & No. 1518		Territorial sea and continental shelf boundaries established by the British between North Borneo (No. 1517) and Sarawak (No. 1518) and Brunei
	May 66	Continental Shelf Act, No. 57 as amended by Act No.8 (1972)	1958 DEF	
	Dec 79	Publishes map depicting limits of continental shelf.		
<b>V. FISHING ZONE/EEZ</b>	Aug 69	Ordinance No. 7	12nm	
	Feb 75			Joint Council (formed with Indonesia and Singapore), adopts traffic separation schemes in the Straits of Malacca.
	May 80 1984	Proclamation Act No. 311	200nm 200nm	EEZ
<b>VI. ENVIRONMENTAL REGULATION</b>	Feb 75	Agreement		Joint Council established with Indonesia and Singapore on Navigation Safety and Pollution in Straits of Malacca; traffic separation schemes adopted.
<b>VII. MARITIME BOUNDARIES</b>	Aug 28	Agreement		Boundary agreement with Singapore EIF.
	Nov 69	Agreement		Continental shelf boundary agreement with Indonesia EIF.
	Mar 71	Agreement		Territorial sea boundary agreement with Indonesia (Straits of Malacca) EIF.
	Jul 73	Agreement		Continental shelf boundary agreement with Thailand (Andaman Sea) and Indonesia EIF.
	Oct 79	Agreement		Agreement with Thailand on the establishment of a Joint Authority for the exploitation of the resources of the seabed EIF.

TYPE	DATE	SOURCE	LIMITS	NOTES
<b>VII. MARITIME BOUNDARIES (Cont)</b>	Dec 79			Published map depicting limits of claimed continental shelf.
	Jul 82	Agreement		Continental shelf boundary agreement with Thailand (Gulf of Thailand) EIF.
<b>VIII. LOS CONVENTION</b>	Dec 82			Signed.
	Aug 94			Signed Part XI Agreement.

### c. MARITIME BOUNDARIES

#### INDONESIA-MALAYSIA TERRITORIAL SEA BOUNDARY

The Republic of Indonesia and the Government of Malaysia signed an agreement on March 17, 1970, delimiting the territorial sea boundary between the two states in the Strait of Malacca. The treaty came into force on March 10, 1971.

##### Article 1.

- (1). Without curtailment of provision in Section (2) of this Article, boundary lines of territorial waters of Indonesia and Malaysia at the Strait of Malacca in areas as stated in the preamble of this Treaty shall be the line at the center drawn from base lines of the respective parties in said areas.
- (2) (a) Except that which is stated in sub b, Section (2) of this Article, co-ordinates of points of said boundary lines shall be as follows:
 

Point 1	101° 00.2'E	02° 51.6'N
Point 2	101° 12.1'E	02° 41.5'N
Point 3	101° 46.5'E	02° 15.4'N
Point 4	102° 13.4'E	01° 55.2'N
Point 5	102° 35.0'E	01° 41.2'N
Point 6	103° 02.1'E	01° 19.1'N
Point 7	103° 03.9'E	01° 19.5'N
Point 8	103° 22.8'E	01° 15.0'N
- (b) Point 6 shall not apply to Malaysia.
- (3). Co-ordinates of points stipulated in Section (2) shall be geographical co-ordinates and boundary lines which connect them as shown on the map attached to this Treaty as Attachment "A".
- (4) Actual sites of points stated above shall be determined through means jointly approved by authorized officials of both parties.
- (5) What are referred to by "authorized officials" stated in Section (4) shall be for Indonesia the Director of Naval Hydrography of the Republic of Indonesia, including every person so authorized, and for Malaysia, Director of Mapping of the State of Malaysia including every person so authorized.

#### Analysis

For the analysis of the territorial sea boundary (TSB), the following chart was utilized: U.S. Naval Oceanographic Chart N.O. 71000, 15th Edition, June 1940, revised October 27, 1969.

NOTE: There are two cartographic errors on the chart. (1) Points 4 (red), and 7 (blue) are actually located two nautical miles southwest of the point shown on the chart. (2) During the reproduction process, slight slippage of the red line occurred but did not greatly displace the boundary points.

Both Indonesia and Malaysia claim a 12-nautical-mile territorial sea. The TSB establishes a boundary in a narrow section of the Strait of Malacca extending from 02°51'6N., 101°00'2E.; to 01°15'0N., 103°22'8E. The respective TSB's claimed by each state differ in length because of the small area of high seas that remains in the Strait. [The territorial sea boundary between Indonesia and Malaysia is separated by high seas, i.e., the triangular area 5-6-7. The Malaysian TSB extends directly from Point 5 to 7 (the blue continental shelf boundary line which is coextensive with the territorial sea boundary). The Indonesian TSB is delimited by Points 5-6-7, and is therefore longer than the Malaysian TSB.] The Indonesian TSB is 174 and the Malaysian TSB 173 nautical miles in length.

#### BOUNDARY POINTS

Turning Points Territorial	Turning Points Continental	Distance to Baseline (nm)	Distance Between Points (nm)
1	-	11.5	15.0
2	5	10.5	43.5
3	6	10.0	33.0
4	7	10.5	25.0
5	8	12.0	36.5*
6**	-	12.0	3.5*
7	9	11.5	17.5
8	10	4.0	

\* Distances are for the Indonesian TSB. The distance from Point 5-7 of the Malaysian TSB is 39.0 nm.

\*\* Point 6 does not appertain to Malaysia as it is beyond the Malaysian territorial sea limit claimed by Malaysia.

The treaty specifies that the TSB is a median line between the respective baselines of Indonesia and Malaysia. Indonesia has promulgated straight baselines and issued charts showing the system.

Malaysia appears to have a system of straight baselines based on the Indonesian example. However, Malaysia has never promulgated straight baselines other than a reference to such a system in the Indonesia-Malaysia Continental Shelf Boundary Agreement of November 7, 1969. From looking at the territorial sea and continental shelf boundary agreements between Indonesia and Malaysia, it is obvious that Malaysia employed some system of straight baselines from which to measure the extent of its claimed territorial sea. The system was also used by Malaysia to acquire an "equitable" share of the continental shelf of the Strait of Malacca.

The TSB coincides with the continental shelf boundary set in 1969 except in the vicinity of the triangular region 5-6-7. All turning points on the TSB coincide with points on the continental shelf boundary except for Points 1 and 6. Point 1 lies on the shelf boundary but not on a shelf boundary point. Point 6 relates only to the Indonesian TSB.

With the conclusion of the Indonesia and Malaysia territorial sea and continental shelf agreements regarding the Strait of Malacca, only agreements by Indonesia and Malaysia with Thailand remain to complete an assertion of maritime jurisdiction over the shelf and seas of the Strait.

Indonesia and Thailand have reportedly negotiated a continental shelf boundary agreement which has not entered into force. No Indonesia-Thailand TSB is required.

Both territorial sea and continental shelf agreements will be required between Malaysia and Thailand. The TSB would presumably be a 12-nautical mile seaward extension of land boundary between the two states.

#### INDONESIA-MALAYSIA-THAILAND MARITIME BOUNDARY

The following is an analysis concerning an agreement between the governments of Indonesia, Malaysia and Thailand for a partial delimitation of their common maritime boundary, signed on 17 December 1971, and entered into force on 16 July 1973, as set forth in Limits in the Seas, no. 81, "Maritime Boundaries: Indonesia-Malaysia-Thailand."

The "Common Point" of the three maritime boundaries, situated at 5 57.0'N. and 98 01.5'E., has not been determined on the basis of equidistance because it is situated, in relation to the respective baselines, as follows:

<u>Name of Basepoint</u>	<u>State</u>	<u>Dist. in NM</u>
Cape Jambu Ayer	Indonesia	52.0
P. Langkawi	Malaysia	98.9
Ko Butang	Thailand	76.1

(a) Malaysia-Thailand Maritime Boundary.

The agreement describes the boundary in the Straits of Malacca, but does not relate to a maritime limit between the states in the Gulf of Thailand.

The distance between the turning points are as follows:

Turning Points		Distance (nm)
CP	No. 1	68.23
5 57.0'N	06 18.0'N	
98 01.5'E	99 06.7'E	
No.1	No. 2	12.66
	06 16.3'N	
	99 19.3'E	
No. 2	No. 3	8.43
	06 18.4'N	
Total		89.32

Point	Thai Basepoint	Distance (nm)	Malaysian Basepoint	Distance (nm)
CP	Ko Butang 06 31.9'N 99 09.5'E	76.11	Langkawi I. 06 23.3'N 99 37.2'E	98.88
1	Observatory I. 06 29.7'N 99 10.9'E	12.37	Langkawi I. 06 23.3'N 99 37.2'E	30.82
2	Nipis I. 06 28.8'N 99 18.6'E	12.46	Langkawi I. 06 23.3'N 99 37.2'E	19.14
3	Pin I. 06 29.0'N 99 22.0'E	10.82	Langkawi I. 06 23.3'N 99 37.2'E	11.89

The negotiated maritime boundary lies, at all four points, closer to the Thai baseline than to the Malaysian. The Thai islands, all in the Butang Group, are all smaller than the Malaysian island, P. Langkawi. No consistent ratio of distance between turning points and the nearest points on the respective baselines could be determined. Consequently, it is assumed that the boundary was negotiated on the basis of equitable principles.